

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claim 7 is cancelled herein without prejudice to or disclaimer of the subject matter therein. Claims 3, 5, 8, and 9 were previously cancelled. Claims 1, 2, 4, 6, and 10-13 are pending. Claims 1, 6, and 10 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the remarks set forth herein.

Rejections Under 35 U.S.C. §103(a)

Claims 1 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Noe et al. (U.S. 5,494,055) in view of Miyauchi et al. (U.S. 2002/0074007) and Le Gars (U.S. 5,143,099);

claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Noe et al. and Miyauchi et al., Le Gars, and Baker et al. (U.S. 4,624,268);

claims 6-8, 10, 12, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Noe et al. and Miyauchi et al., Le Gars, Lowman (U.S. 2,999,520), Marchese (U.S. 2,230,702) and Eckstein (U.S. 2001/0,009,938).

These rejections are respectfully traversed.

Amendments to Independent Claim 1

While not conceding the appropriateness of the Examiner's rejection, but merely to advance the prosecution of the present invention, **independent claim 1** has been amended to recite a combination of features, including *inter alia*:

“wherein the carrier glue of said perfume emitting layer is applied to an entire outer surface of said inner wrapper to form an adhesive layer portion on the outer surface of said inner wrapper, and

the perfume material of said perfume emitting layer is diffused over the adhesive layer portion to form a layer portion of the perfume material.”

Claim 1 is rejected under 35 U.S.C. § 103(a) as being obvious from Noe combined with Miyauchi et al. and Le Gars.

On the basis of column 4, lines 30 to 40 of Noe, the Examiner asserts that Noe discloses covering the entire surface of the inner wrapper with the perfume material. However, Noe merely discloses that the inner paper and the outer paper are stuck together in layers (“laminated”) with a glue applied over the whole surface or at certain points. The glue mentioned in this part of Noe is unrelated to the aroma mixtures.

Miyauchi et al. only discloses the flavorant contained in the seam glue.

Thus, Noe combined with Miyauchi et al. fails to disclose or suggest the perfume emitting layer of the present invention which comprises an adhesive layer portion and a layer portion of a perfume material in powder or grain form over the adhesive layer portion.

At least for the reasons explained above, the Applicants respectfully submit that the combination of elements as set forth in **independent claim 1** is not disclosed or made obvious by the prior art of record, including Noe et al., Miyauchi et al. and Le Gars.

At least for the reasons explained above, the Applicants respectfully submit that the combination of elements as set forth in **independent claim 1** is not disclosed or made obvious by the prior art of record, including Noe et al., Miyauchi et al. and Le Gars.

Independent claim 1 is in condition for allowance.

Amendments to Independent Claims 6 and 10

While not conceding the appropriateness of the Examiner's rejection, but merely to advance the prosecution of the present invention, **independent claim 6** has been amended to recite a combination of elements directed to a manufacturing machine for manufacturing a double wrapper cigarette having a triple layer structure, including *inter alia*:

“said perfume material supply device being so provided as to apply material including a perfume material for weakening odor of sidestream smoke of the cigarette onto the inner web fed along said first feeding path so as to form a perfume emitting layer to be disposed between the inner and outer webs of the double web, the perfume emitting layer providing the triple layer structure to the cigarette, ...

wherein said perfume material supply device includes:

a glue applicator for applying the carrier glue onto an entire outer surface of the inner web to thereby make an adhesive layer portion, and

a diffuser for diffusing the perfume material in powder or grain form over the adhesive layer portion of the inner web to form a layer portion of the perfume material,

wherein said diffuser includes:

a first brush roller rotatably located under said first feeding path, for blowing up the perfume material toward said adhesive layer portion of the inner web,

a second brush roller rotatably located downstream of said first brush roller, for removing a surplus of the perfume material attached to the adhesive layer portion, and

a cover located over said first feeding path and covering a surface of the inner web opposite the first and second brush rollers.”

In addition, **independent claim 11** has been amended to recite a combination of steps in a method of manufacturing a double wrapper cigarette having a triple layer structure, including *inter alia*:

“applying material including a perfume material for weakening odor of sidestream smoke of the cigarette onto the inner web by means of a perfume material supply device thereby forming the perfume emitting layer to be disposed between said inner and outer wrappers of said double wrapper while the inner and outer webs are being fed, the perfume emitting layer covering an entire outer surface of the inner web, and including the perfume material and carrier glue for carrying the perfume material; ...

wherein said perfume material supply device includes:

a glue applicator for applying glue onto an entire outer surface of the inner web to thereby make an adhesive layer portion, and

a diffuser for diffusing the perfume material in powder or grain form over the adhesive layer portion of the inner web to form a layer portion of the perfume material,

wherein said diffuser includes:

a first brush roller rotatably located under said first feeding path, for blowing up the perfume material toward said adhesive layer portion of the inner web,

a second brush roller rotatably located downstream of said first brush roller, for removing a surplus of the perfume material attached to the adhesive layer portion, and

a cover located over said first feeding path and covering a surface of the inner web opposite the first and second brush rollers.

Claims 6 and 10 are rejected under 35 U.S.C. § 103(a) as being obvious from Noe combined with Lowman, Marchese and Eckstein in addition to Miyauchi et al. and Le Gars.

The applicators and application methods disclosed in Marchese and Eckstein, however, only form a single layer, not a double layer comprising two layers, which is the case with the perfume emitting layer of the present invention.

At least for the reasons explained above, the Applicants respectfully submit that the combination of elements as set forth in each of **independent claims 6 and 10** is not disclosed or made obvious by the prior art of record, including Noe et al., Miyauchi et al., Le Gars, Lowman, Marchese, and Eckstein.

Therefore, **independent claims 6 and 10** are in condition for allowance.

Dependent Claims

Dependent claim 4 has been amended and dependent claim 7 has been cancelled.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

All pending claims are now in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

CONCLUSION

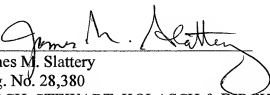
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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